

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARKALE-ALSAMOD SOWELL,	:	
a/k/a MARKALE SOWELL,	:	
Plaintiff	:	
v.	:	Case No. 3:21-cv-60-KRG-KAP
ALTOONA POLICE DEPARTMENT	:	
<i>et al.</i> ,	:	
Defendants	:	

Memorandum Order

The plaintiff's motions at ECF no. 47 (motion for default judgment) and ECF no. 49 (motion to stay) are denied. No motion for default judgment is appropriate against defendants who have not been served with a complaint, on a claim that this court would not properly have jurisdiction over (*see* ECF no. 46). As for the motion to stay, staying a matter is improper when no claim has accrued due to the Heck v. Humphrey doctrine, because there is literally nothing to stay. If plaintiff were ever to have a claim due to some future development the appropriate thing to do would be to file a complaint when that claim exists. As the Supreme Court stated a generation ago, absent some other bar to the suit a claim either is cognizable and should immediately go forward, or it is not cognizable and should be dismissed. Edwards v. Balisok, 520 U.S. 641, 649 (1997).



DATE: January 4, 2023

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

Markale Sowell KH-2090
S.C.I. Phoenix
1200 Mokychic Drive
Collegeville, PA 19426